REMARKS

Status

This Amendment is responsive to the Office Action dated September 24, 2004, in which Claims 61-92 were rejected. Claims 72, 75, and 88 have been canceled; Claims 61, 76, 87 and 89 have been amended. Accordingly, Claims 61-71, 73-74, 76-87, and 89-92 are pending in the application, and are presented for reconsideration and allowance.

Claim Rejection - 35 USC 101

Claims 61-75 stand rejected under 35 USC 101 because the claimed subject matter is directed to non-statutory subject matter.

Applicant amended Claim 61 to recite functionality to suggest that a computer performs the recited processing and analysis steps (See Claim 75 of the application as filed). Applicant believes the amends provide structure to the Claim 61 that is sufficient to produce a useful, concrete, and tangible result.

Since Claims 62-74 are dependent upon Claim 61, Applicant respectfully requests reconsideration of Claims 61-74 rejected under 35 USC 101 in view of the amendment and corresponding remarks.

Claim Rejection - 35 USC 112

Claim 75 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to point out particularly and claim distinctly the subject matter that applicant regards the invention. Claim 75 is hereby cancelled from the Application.

Claim Rejection - 35 USC 103

Claims 61-63 and 66-75 stand rejected under 35 USC 103 as being unpatentable over US Patent No. 6,587,828 (Sachdeva) in view of US Patent No. 6,171,112 (Clark). This rejection is respectfully traversed.

The Sachdeva reference teaches a dental records management system for orthodontics. In particular, the Sachdeva reference teaches a records management system that documents where wire brackets for braces are placed on teeth and the location of wire installation in the mouth. The Sachdeva reference

is used to save time and treatment costs for orthodontic practices by documenting the location of the installed equipment in the mouth and permitting the update of the installed equipment.

The Sachdeva reference teaches a way to generate a patient treatment plan by, first, providing a list of health care services to a patient or health care provider (See Column 3, Lines 37-40 of '828). In contrast, in the applicant's method, a template is first formed having *at least one dental procedure indicator for use as a point of incorporation* (emphasis added) for specific dental information on the recommended course of treatment (See Claim 61 of the application).

Applicant believes that providing a list of services is not the same as providing a template with an indicator as the point of incorporation of specific dental information on a recommended course of treatment. Lists are not the same as templates. Templates are typically forms that already containing formats and some entries with relational fields for use in compiling relevant data from a group of patients; lists are typically a collection of information. Applicant believes that use of a list does not suggest use of a template.

The Sachdeva reference continues by teaching the step of prompting for input of digital information into a patient file regarding the patient when health care service has been selected (See Column 5, Lines 34-38 of '828). Although this step appears similar to the applicant's first step, applicant uses a plurality of indicators and a one-click technique for the data entry (See Paragraph beginning on Line 10 of Page 7 of the application).

The Sachdeva reference further teaches that the processing continues by determining whether a sufficient amount of digital information has been received into the patient file (See Column 5, Lines 49-51 of '828). A plan is then generated in accordance with a selected treatment (See Column 6, Lines 3-6 of '828). Simulated treatment is then generated. The simulated treatment is particular to the Sachdeva reference.

Applicant's methods do not require or use a step of simulating treatment. Applicant teaches generating a dental presentation on a desk top that describes the dental procedures, wherein the dental procedures are personalized to a particular patient. Applicant's methods do not provide a simulation, rather the

methods offer financial and health choices without simulating the result of the patient's choice on the patient's mouth

Applicant has amended independent Claim 61 to include the limitations of Claim 72 to recite that the template is scanned for markers and then dental information specific to the patient is inserted at the markers. The Sachdeva reference does not teach the use of markers or scanning for data input for markers (See Column 4, Lines 24-48 and Figure 2 of '828).

The prompt as suggested in Step 50 of Figure 2 in the Sachdeva reference is not an indicator. Prompts are not indicators; indicators are embedded signals.

The Clark reference teaches the user of slides as part of a customized visual presentation, using date and time details. The use of customized visual presentations is not taught for use in dental practices as a method to reduce liability, as taught in applicant's embodied methods. The Parker reference utilizes the customized visual presentations to increase patient knowledge and care and not to reduce doctor liability.

Applicant believes that the Clark reference does not teach the missing elements of the Sachdeva reference. The Parker reference does not teach the use of a one click system with real time data to provide higher quality patient care with better integrated information while simultaneously controlling liability to the dentists from plaintiff's attorneys desiring to sue dentists for malpractice.

Applicant teaches using a one click feature with markers embedded in the software template to call to fields from a related, relational database (See Paragraph beginning on Line 10 of Page 7 of the application). Applicant teaches a software program that extracts clinical and financial data and uses software, typically Powerpoint, to create a presentation with a single click. The one click technique to form dental presentations can be used to reduce liability to the dentist and increase the quality of patient care by providing a tool that provides data and personalized dental data on a patient for use with the patient. The tool also provides more information for a quality decision to be made by the patient by providing customized financial and health information on particular procedures customized for a particular patient. The software has templates that utilize markers to provide data to be inserted from a linked

relational database to enable a customized presentation to be made for the patient in real-time. The documents that form the presentation reduce liability from patients who later claim they were "uninformed" or "misinformed" when the patients try to sue the dentist.

Neither the Sachdeva reference nor the Clark reference teach the single click feature with markers embedded in a software template in order to reduce liability reduction for a dental practice.

Applicant respectfully requests reconsideration of the 35 USC 103 rejection of Claim 61 in view of the amendments and the corresponding remarks. Since Claims 62-63 and 66-75 are dependent upon Claim 61, Applicant respectfully requests reconsideration of Claims 62-63 and 66-75.

Claims 64-65 stand rejected under 35 USC 103 as being unpatentable over US Patent No. 6,587,828 (Sachdeva) and US Patent No. 6,171,112 (Clark) in view of <u>Microsoft Office 4 for Windows for Dummies</u> (Parker). This rejection is respectfully traversed.

As stated above, Applicant has amended independent Claim 61 to include the limitations of Claim 72 to recite that the template is scanned for markers and then dental information specific to the patient is inserted at the markers. The Sachdeva reference does not teach the use of markers or scanning for data input for markers (See Column 4, Lines 24-48 and Figure 2 of '828).

The Parker reference teaches the use of plug-in tool bars to edit presentation and to exchange information reference (Pages 184 and 195-200 of Parker). The Parker reference does not teach using a template that scans for markers and then inserts dental information specific to the patient at the location of the markers.

Applicant believes that the claimed subject matter in the amended Claim 61 is distinguishable from the Sachdeva reference even with the added teachings of a plug-in tool bar from the Parker reference. Since Claims 64-65 are dependent upon Claim 61, Applicant respectfully requests reconsideration of the 35 USC 103 rejection of Claims 64-65 in view of the amendments and the corresponding remarks.

Claims 76-92 stand rejected under 35 USC 103 as being unpatentable over US Patent No. 6,587,828 (Sachdeva) in view of Microsoft Office 4 for Windows for Dummies (Parker). This rejection is respectfully traversed.

Applicant has amended independent Claim 76 to include the limitations of Claims 87-88 to recite that the system utilizes a merger application to scan for markers and then to insert dental information specific to the patient at the markers. The Sachdeva reference does not teach the use of markers or scanning for data input for markers (See Column 4, Lines 24-48 and Figure 2 of '828).

The Parker reference teaches the use of plug-in tool bars to edit presentation and to exchange information reference (Pages 184 and 195-200 of Parker). The Parker reference does not teach using a template that scans for markers and then inserts dental information specific to the patient at the location of the markers.
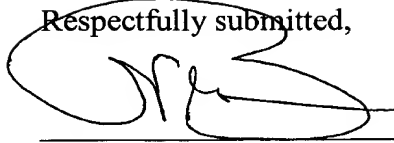
Applicant believes that the claimed subject matter in the amended Claim 76 is distinguishable from the Sachdeva reference even with the added teachings of a plug-in tool bar from the Parker reference. Since Claims 77-92 are dependent upon Claim 61, Applicant respectfully requests reconsideration of the 35 USC 103 rejection of Claims 76-92 in view of the amendments and the corresponding remarks.

Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance; the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

Respectfully submitted,

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.